

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

CHARLES WASHINGTON,

Defendant.

DECISION AND ORDER
19-CR-125-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On February 6, 2024, Defendant Charles Washington appeared before Magistrate Judge McCarthy and entered a plea of guilty to Charge No. 5 of the Amended Petition for Offender under Supervision (Dkt. No. 788), which charges him with Communication or Interaction with a Known Felon.

Magistrate Judge McCarthy issued a Report and Recommendation (Dkt. No. 867) confirming his oral findings that Defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. No timely objections to the Report and Recommendation have been filed. It is hereby

ORDERED that, upon review of the plea agreement (Dkt. No. 866); plea transcript (Dkt. No. 870) of the February 6, 2024, plea proceeding before the Magistrate Judge; and the Report and Recommendation, the Court finds, in accordance with the requirements set forth in *United States v. Pelensky*, 129 F.3d 63 (2d Cir.1997), that defendant knowingly and voluntarily: admitted the alleged conduct constituting such

violation; and waived his rights under Rule 32.1 of the Federal Rules of Criminal Procedure. The Magistrate Judge informed Defendant of his rights under Rule 32.1, including his right to a revocation hearing, and Defendant waived those rights and voluntarily admitted conduct establishing the violation. The Magistrate Judge determined that Defendant understood the foregoing. Accordingly, Defendant's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation.

Sentencing is scheduled for March 25, 2024 at 1:00 pm.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 23, 2024
Buffalo, New York